



## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

**Title of Invention** USES OF PBH1 IN THE DIAGNOSIS AND THERAPEUTIC TREATMENT OF PROSTATE CANCER

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or  
 Application No. 10/058,513, filed on January 24, 2002,  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 Kurt C. Gish Date: 10/18/2002  
Signature:

Citizen of: United States

Inventor 2 David H. Mack Date: 9/19/02  
Signature:

Citizen of: United States

Inventor 3 Daniel Afar Date: 8/09/2002  
Signature:

Citizen of: Canada

Inventor 4 \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

O I P E

Please place a plus sign (+) inside this box



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

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PATENT &amp; TRADEMARK OFFICE

NOV 21 2002

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	10/058,513
Filing Date	January 24, 2002
First Named Inventor	Kurt C. Gish
Title	Uses of PBH1 in the Diagnosis and Therapeutic Treatment of Prostate Cancer
Group Art Unit	1642
Examiner Name	Not yet assigned
Attorney Docket Number	018501-005910US

I hereby appoint:

Practitioners at Customer Number  
**OR**

Practitioner(s) named below:

20350

Place Customer  
Number Bar Code  
Label here

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

**OR**

Practitioners at Customer Number



<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

**SIGNATURE of Applicant or Assignee of Record**

Name	David W. Martin, Jr.
Signature	<i>W. Martin, Jr.</i>
Date	10/12/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1378906 v1

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Attorney Docket No. 018501-005910US

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Eos Biotechnology, Inc.

Application No./Patent No.: 10/058,513 Filed/Issue Date: 01/24/02

Entitled: Uses of PBH1 in the Diagnosis and Therapeutic Treatment of Prostate Cancer

Eos Biotechnology, Inc. a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10/12/02

Date

David W. Martin, Jr.

Typed or printed name

D.W. Martin, Jr.

Signature

CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Kurt C. Gish of 40 Pergo Terrace, #2, San Francisco, CA 94131, David H. Mack of 2076 Monterey Avenue, Menlo Park, CA 94025, Daniel Afar of 435 Visitacion Avenue, Brisbane, CA 94005, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **USES OF PBH1 IN THE DIAGNOSIS AND THERAPEUTIC TREATMENT OF PROSTATE CANCER**

Date(s) of execution of Declaration:

Filing Date: **January 24, 2002**

Application No.: **10/058,513; and**

WHEREAS, Eos Biotechnology, Inc., a corporation of the state of Delaware, located at 225A Gateway Boulevard, South San Francisco, CA, 94080, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

*NOT FOR RECORDATION*

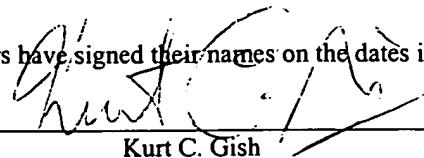
Assignment

Attorney Docket No.: 018501-005910US

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IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 10/8/2002

  
Kurt C. Gish

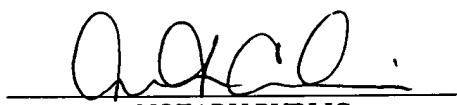
STATE OF California )  
COUNTY OF San Mateo ) ss.

On October 8, 2002, before me, Beth Calvin, personally appeared Kurt C. Gish, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



My Commission Expires: 8/15/03

  
NOTARY PUBLIC

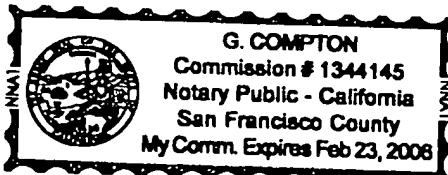
Dated: 9/19/02

STATE OF California )  
COUNTY OF San Francisco ) ss.

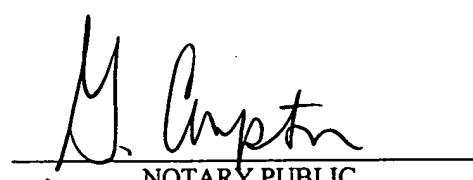
  
David H. Mack

On September 19, 2002, before me, G. Compton, Notary Public, personally appeared David H. Mack, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



My Commission Expires: \_\_\_\_\_

  
NOTARY PUBLIC

Assignment

Attorney Docket No.: 018501-005910US

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Dated:

8 Oct 2002

Daniel Afar

Daniel Afar

STATE OF California )  
COUNTY OF San Mateo ) ss.

On October 8, 2002, before me, Beth Calvin, personally appeared Daniel Afar, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



My Commission Expires: 8/15/03

Beth Calvin  
NOTARY PUBLIC

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